

**LAKE COUNTY
AIR QUALITY MANAGEMENT DISTRICT**
885 Lakeport Boulevard, Lakeport, CA. 95453

RULES AND REGULATIONS



LATEST REVISION: February 12, 2003
By: Elizabeth Knight

TABLE 3A UNSCHEDULED POWER PLANT OUTAGES

					Decision as entered in log < 420 minutes	
Elapsed Time (Minutes)	15	30	60	90	90	420
Dual Units with one Unit Operative	90%	50%	35%	10%	10% continued	Back on Line or Hydrogen Sulfide Reduced to 10% of Full Unabated Hydrogen Sulfide Steam Flow Rate Until Startup Initiated
Single Units Capable of Shunting 35% of Full Steam Flow	90%	50%	35%	Enter into Log Expected Duration of Outage	35% Continued as at 60 Minutes Until Startup Initiated	
Single Units without the Capability to Shunt 35% of Full Steam Flow	90%	50%	35%			
Dual Units with both Units Down Simultaneously & Capable of Shunting Full Steam Flow	90%	50%	40%			
Dual Units with Both Units Down Simultaneously & No Capability to Shunt Steam	90%	50%	40%			

- The necessity for occasional venting in excess of limits specified under an upset in coordinating well throttling and power plant startup or shut down is acknowledged (refer to Article II, Section 510 of LCAQMD Rules and Regulations).

TABLE 3B UNSCHEDULED POWER PLANT OUTAGES

No decision or decision as entered into log is greater than 420 minutes		
Elapsed Time (Minutes)	150	300
Dual Units with one Unit Operative	10% continued as at 90 minutes until startup is initiated	
Single Units Capable of Shunting 35% of Full Steam Flow	10% within 150 minutes and until startup is initiated	
Single Units without the Capability to Shunt 35% of Full Steam Flow	10% within 150 minutes and until startup is initiated	
Dual Units with both Units Down Simultaneously & Capable of Shunting Full Steam Flow	Continue at 60 minutes unabated Hydrogen Sulfide steam flow rate	10% within 300 minutes and until startup is initiated
Dual Units with Both Units Down Simultaneously & no Capability to Shunt Steam	10% within 150 minutes and until startup is initiated	

- The necessity for occasional venting in excess of limits specified under an upset in coordinating well throttling and power plant startup or shutdown is acknowledged (refer to Article II, Section 510 of LCAQMD Rules and Regulations)

CHAPTER II

ARTICLE IV OTHER EMISSIONS OR CONTAMINANTS

Section 430: General No person shall discharge, or permit to be discharged from any source whatsoever such quantities of air contaminants or other material which

cause injury, detriment, nuisance or annoyance to any considerable number of persons or to cause injury or damage or have natural tendency to cause injury or damage to business or property (Health and Safety Code Section 41700). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of animals (Health and Safety Code Section 41705). Any discharge of air contaminants which will cause the ambient air quality to exceed those amounts listed in the Table of Standards, applicable state-wide, as shown in the California Administrative Code, Title 17, Section 70200, off premises shall be a violation of this Section. Section 70200 of the California Administrative Code is hereby adopted and made a part of this Regulation as though fully set forth herein.

Section 431: Non-agricultural Burning: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof.

Section 431.5: Non-Agricultural Open Burning is prohibited in the Lake County Air Quality Management District: 1) on any day designated pursuant to Section 1010; 2) on no burn days; and 3) during fire season as defined in Section 226.5. Activities conducted pursuant to Sections 432, 432.5 and 436 shall be exempt from the requirements of this section.

Section 431.7: Non-Agricultural Burning Hours for the Lake County Air Quality Management District are as follows:

- A. Fire season, as defined in Section 226.5;
- B. Non-Fire Season, 9 AM to 3 PM.

No fire shall be ignited before or after these applicable hours unless such day is designated as an extended burn day by the Lake County Air Quality Management District and the issued permit allows such extended day light burning for lot clearing or hazard reduction burns.

Extended burn days shall be determined after consideration of the following factors: 1) prevailing visibility (observed, measured coefficient of haze and nephelometric back scattering); 2) anticipated frontal movement; 3) existence of inversions and adiabatic lapse rate (if information is available); 4) previous and next burn day's burn status; 5) precipitation; and 6) if air quality at the time of determination has degraded to 50% of any ambient air quality standard.

Existing lawful open fires continuing to burn without fuel addition after hours designated herein are authorized unless it creates a public nuisance or threatens the

public health, safety or welfare pursuant to the California State Health and Safety Code or these Rules and Regulations.

Section 432: Nothing in this Article shall be construed as limiting the authority granted under other provisions of the law to any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

- A. The prevention of a fire hazard which cannot be abated by any other means on designated permissive burn days.
- B. The instruction of public employees in the methods of fighting fires.
- C. The instruction of employees in the methods of fighting fire when such fire is set pursuant to permit.
- D. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- E. The abatement of fire hazards pursuant to Section 13055, Health and Safety Code.
- F. Disease or pest prevention where there is an immediate need for and no reasonable alternative to burning.
- G. Disposal of agricultural pesticide containers in a manner required by law at the time and place of use when no reasonable alternative to burning exists.

Section 432.5: Exemptions for Preparation of Food and Recreational Purposes: Open outdoor fires which are otherwise lawful and do not contain disallowed combustibles, which are not cause of a public nuisance, and used exclusively for cooking food for human consumption or recreational fires in permitted campgrounds, or for essential purposes as part of public ceremonies are exempt from these rules and regulations.

Section 433: Nothing in this Article shall be construed as prohibiting residential burning as allowed by a valid burning permit issued to an adult for the disposal of natural vegetation originating solely from a single or two-family dwelling on a parcel of record of 1.0 acre or more in size, or a parcel of any size located where green waste collection is not offered by a franchise hauler. All burns must be conducted on the premises where the vegetation grew and at least 100 feet from the nearest neighboring residence. Fires shall not be located in a public roadway right of way, or in roadway ditches. All burning must be conducted during designated allowed days and hours as established in Sections 431.5 and 431.7. Small amounts of dry untreated, non-glossy cardboard and paper may be burned for ignition purposes only.

Material to be burned must not contain any “disallowed combustibles” as defined below, be properly dried to the point it is not green in color and be free of dirt and visible moisture. Dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, may be burned. All burning shall be conducted in a manner to promote quick and complete combustion, and that minimizes smoke production. The fire shall be supervised at all times by an adult issued a valid permit and the permit shall be immediately provided upon request of a responsible official during any residential burning. Wet or partially composted leaves continuing to smolder or burn without a visual flame shall be extinguished.

The use of an incinerator-type device including those commonly known as a “burn barrel” is prohibited.

Disallowed combustibles include but is not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; Styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

Section 433.5: An exemption to the lot size and distance restrictions contained in Section 433 may be granted by written exemption permit, signed by the Fire Chief, or authorized Fire Protection Agency, USFS or CDF employee for the rare occasion when fire hazards exist, or circumstances warrant, and there is no reasonable available alternative to burning. The particular circumstances warranting the exemption shall be stated on the exemption permit. The exemption permit issued pursuant to Section 1002 shall incorporate all reasonable restrictions to avoid smoke nuisance and require compliance with all other open burning regulations. Upon issuance, a copy of the exemption permit shall be immediately filed with the AQMD, by fax or other acceptable record transfer method, by the approving official.

Section 434: Nothing in this Article shall be construed to prohibit burning of vegetation from right-of-way clearing by a public entity or utility or for levee, reservoir and ditch maintenance on designated permissive burn days. No such material may be burned pursuant to this Section unless: (a) agricultural burning is not prohibited on that day, pursuant to Section 41855 of the Health and Safety Code, (b) the material has been prepared by stacking, drying or other methods to promote combustion as specified by the Air Pollution Control Officer; and (c) hours limiting and dates of allowed burning are consistent with agricultural burning limitations of these rules and regulations.

Section 435: Notwithstanding Sections 41508 and 41800 of the Health and Safety Code, open outdoor fires may be used to dispose of Russian Thistle (*Salsola Kali*) when authorized by a chief of a fire department or fire protection agency of a city, county or fire protection district, the State Forester or his commissioner, or an Air Pollution Control Officer.

Section 436: **Wood Waste Disposal By Open Burning** Disposal of non-industrial and non-commercial wood wastes at designated sites by open burning may be authorized by a burning or authority to construct permit issued by the Air Pollution Control Officer and authorization by affected Fire Protection District or Agencies subject to the following conditions:

1. The site of such burning has been approved by the state Air Resources Board, and a new source permit has been granted by the AQMD pursuant to applicable rules.
2. The site is above 1500 feet elevation mean sea level.
3. The site is secured from public access by locked gates, fences or other means during periods of non-operation and manned by a responsible party during all open hours of operation. Only vegetative waste, stumps of trees smaller than twelve (12) inches in width and free of visible dirt, and non industrial and untreated wood wastes are accepted at the site. All other wastes are to be immediately removed from the site if illegally placed at the site.
4. Wood wastes are dried for a minimum period as specified in Section 436.5D and free of dirt, soil and visible surface moisture prior to igniting to promote good combustion.
5. Wood wastes are ignited and burned by the affected Fire Prevention Agency personnel or other specific permit authorized public employees at a time and on a day when air dispersion is believed to be super adiabatic and fire safety assured. The District may delay any planned ignition to assure good air dispersion. Under no circumstances shall such burning occur on a designated no burn day. Such time and date shall be approved by the affected Fire Prevention Agency having jurisdiction in addition to the District, and the District shall be provided opportunity to inspect the site prior to ignition.
6. If a public nuisance as defined by Health and Safety Code Section 41700 occurs, the permit shall be voided and the operation discontinued.
7. If other than untreated wood or vegetative wastes are burned at the site the permit shall be voided and the operation discontinued.

8. Permits shall be voided upon a finding that alternative methods of disposal have been developed which are technologically and economically feasible by the State Air Resources Board or the District Board.

Section 436.5: Wood Waste Burning The following Regulations shall apply to the use of open fires for the disposal of wood waste from property being developed for industrial, commercial or residential purposes where burning disposal alternatives are not feasible:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flame thrower-type torches, jellied petroleum devices, matches, fuse lighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be material that was grown on the property where the waste is to be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Material shall be dried as follows:

1. Trees and branches over six (6) inches in diameter: sixty (60) days.
2. Vines and brush: thirty (30) days.
3. Prunings and smaller branches: fifteen (15) days.
4. Designated agencies may modify the above drying times as conditions warrant.

E. The District and/or Fire Agency shall be contacted prior to burning when specified to do so on the issued permit. The District or issuing agency may when necessary to preserve air quality or fire safety, elect to delay the burn.

F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.

G. Maximum care must be taken to keep smoke from drifting into residential areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby residential areas.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days. Tree stumps shall not be burned.

I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.

correction and avoidance of repeat violations. The NTC requires a timely written response to be filed with the District and certification of correction.

CATEGORY I violations are those which are primarily procedural, having negligible or a minor air quality impact, and which are committed through neglect or oversight. A Notice of Violation (NOV) is used in such instances.

CATEGORY II violations include those which may involve emissions which exceed maximum allowances (or limits), and therefore may have air quality impacts, and which are committed unintentionally through neglect or oversight. A Notice of Violation (NOV) is generally used in such instances.

CATEGORY III violations include those having air quality impacts and which are committed intentionally or through inexcusable neglect. A Notice of Violation (NOV) is generally used in such instances, but a recalcitrant violator may be issued a direct citation to court.

CATEGORY IV are blatant violations involving intentional wrongdoing, with substantial air quality impacts. A Notice of Violation (NOV) is generally used in such instances, or direct citation to court, or referral to the District Attorney, State Attorney General or other responsible prosecutorial bodies for further investigation and action.

(b) Adopted Board policy on “Minor Violations and the Notice to Comply” shall be used for Category 0. The District will seek to resolve the violation(s) using the adopted Board Policy on “Mutual Settlements” for Categories I through IV.

(c) This Section 950 shall not prevent, or be construed to prevent, cooperation or individual action to enforce a penalty for violations of any rule, regulation, standard, order, permit, state or federal rule or law, by the District, a City Attorney, District Attorney, Attorney General, Air Resources Board, or Federal EPA as determined to be necessary by that party(s).

CHAPTER VIII, AGRICULTURAL BURNING

Section 1000: Agricultural and Prescribed Burning: The following Rules and Regulations are adopted in accordance with Section 41863 of the Health and Safety Code and the Air Resources Board's Smoke Management Guidelines for Agriculture and Prescribed Burning, (Title 17, California Code of Regulation).

Section 1001: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof. A burning permit shall be required for agricultural burning and shall contain the

following statement: "This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board."

Section 1002: Agencies Authorized to Issue Burning Permits The agencies listed in Table 8 are hereby designated by the District as having authority to issue non agricultural and agricultural burn permits pursuant to District Rules and Regulations. Procedural guidelines agreed to by the APCO and ratified by the Lake County Fire Chiefs Association shall be utilized for permit issuance.

TABLE 8: AGENCIES DESIGNATED TO ISSUE BURNING PERMITS

- 1.*California Division of Forestry; Middletown
- 2.*California Division of Forestry; Kelseyville/Cobb
3. United States Forest Service; Upper Lake
4. Clearlake Oaks Fire Protection District
5. Kelseyville Fire Protection District
6. Lakeport County Fire Protection District
7. Lakeshore Fire Protection District; (City of Clearlake)
8. South Lake County Fire Protection District
9. Upper Lake Fire Protection District
10. Nice Community Service District (Fire Protection District)
11. Lower Lake Fire Protection District
12. Lucerne Recreation and Park District (Fire Protection District)
13. Lake County Building Department (land development clearing)
- 14.*California Division of Forestry; Clearlake Oaks

*Supervision and control of these offices are at the Lake-Napa Ranger District Headquarters, St. Helena.

Section 1003: Special No-Burn Day Permit: The District may issue a special permit to authorize agricultural burning on days designated by the Air Resources Board or the Air Pollution Control Officer as no-burn days if denial of such permit would threaten imminent and substantial economic loss. Economic exemptions shall be issued pursuant to the California Health and Safety code (Sec 41862) and these rules and regulations. The District may place conditions on any permit to promote prompt burning and ensure good dispersion to minimize smoke impact. In reaching a decision to issue a special permit, the District shall also consider expected meteorology, extent of effort expended to accomplish the burn without an exemption, and likely effects on other persons or the public.

Section 1010: The Air Pollution Control Officer shall designate as a "no-burn day", any day designated a "burn day" by the State Air Resources Board if necessary to protect the ambient air quality from substantial degradation, the public health, and violations of ambient air quality standards. Notice of burn day status shall be provided to the public in the normal manner noting the presence of any emergency condition as appropriate. On any day for which conditions of abnormal high temperatures, low relative humidity or high wind velocities are anticipated, or existing wildfires create an extreme potential for uncontrolled fires which may cause violations of any ambient air quality standard, the APCO, after receipt of a recommendation from the Lake County Fire Chiefs Association Burning